

## **REMARKS**

In the above noted Office Action claims 1-7 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hayashi et al., U.S. Patent 5,793,171 or Schoeffler, U.S. Patent No. 5,627,710. Additionally, claims 1-7 were rejected under 25 U.S.C. 102(a)(e) as being clearly anticipated by Kurita et al., U.S. Patent No. 6,838,850. With this submission Applicant amends independent claims 1 and 5. Claims 2 and 6 are cancelled. Additionally, dependent claim 7 is amended to be dependent upon independent claim 5. Reexamination and reconsideration of the non-allowed claims is respectfully requested.

As mentioned previously, claims 1-7 were rejected under 35 U.S.C. 102 as being anticipated by Hayashi et al. In paragraph 4 the Examiner has stated that Hayashi et al. discloses a control circuit for controlling the driving of a DC motor for a mirror assembly of a vehicle. The Examiner has also stated that Hayashi et al. discloses in the specification and in the abstract that a PTC thermistor detects the excess temperature/current to stop the mirror from at least folding in while still allowing the vehicle mirror actuation control to allow the mirror to fold out. The Examiner has also noted that Schoeffler discloses an electric motor drive system for vehicle mirrors wherein a temperature sensor detects the temperature of the motor wiring to switch off the mirror adjustment. Additionally, the Examiner in paragraph 5 has noted that Kurita et al. prevents a mirror from folding in and allows the mirror to fold out.

Applicant respectfully submits that none of the above cited references teach, suggest, or disclose Applicant's invention as now presented in amended claims 1 and 5. Applicant has provided a control system that is cognizant of a state of opening of the vehicle door. As best described in Applicant's specification in paragraphs 15, 16 and 17, Applicant provides a circuited method wherein the motor polarity is determined by

the supply polarity of the control switch utilized by the vehicle operator only when the door signal line provides an open circuit. Accordingly, in Applicant's inventive control system and method, the fold in function of the mirror can only occur when the vehicle mirror actuation control has made such a request and when the vehicle door is closed. Additionally, when the vehicle door is open, any user switch activation (to fold out or to fold in) the vehicle mirror switch during an over temperature condition will cause the mirror to fold out. None of the references cited by the Examiner teach such an overriding function based upon a state of door opening signal, as does Applicant's invention. Accordingly, removal of the 35 U.S.C.102 rejections by the Examiner is respectfully requested.

#### **Status of the Claims**

Claims 1-7 are pending in this application.

Claims 1-7 are rejected.

Claims 2 and 6 have been canceled, without prejudice.

Claims 1 and 5 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

#### **CONCLUSION**

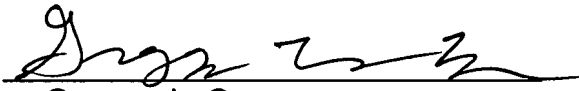
It is respectfully submitted that in view of the above amendments and remarks the claims 1, 3-5, and 7, as presented, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicant's undersigned attorney at  
(248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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